

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Fike *et al.*

Appl. No.: 09/606,314

Filed: June 29, 2000

For: **Dry Powder Cells and Cell Culture
Reagents and Methods of
Production Thereof**

Confirmation No.: 1340

Art Unit: 1654

Examiner: Flood, M.

Atty. Docket: 0942.4290005/RWE/FRC

Fourth Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§1.56, 1.97 and 1.98. A copy of each of these documents is provided.

The numbering of this Fourth Supplemental Information Disclosure Statement is a continuation of Applicants' Third Supplemental Information Disclosure Statement filed January 29, 2004, in connection with the above-captioned application.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates

should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Documents AM5 and AN5 are in the Japanese language. These documents were cited in an Office Action mailed on April 27, 2004 by the Japanese Patent Office in JP 10-535951, which is the Japanese counterpart of the above-captioned U.S. Patent Application. The requirement for a concise explanation of the relevance of AM5 and AN5 under 37 C.F.R. § 1.98(a)(3)(i) is satisfied by the submission herewith of an English language translation of the Japanese Office Action (document AS13) in which the relevance of AM5 and AN5 is indicated. *See* M.P.E.P. § 609.III.A(3).

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required. 37 C.F.R. § 1.97(b)(3).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

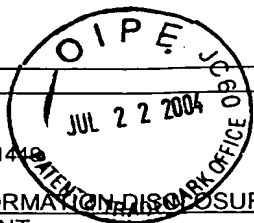
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Frank R. Cottingham
Attorney for Applicants
Registration No. 50,437

Date: July 22, 2004

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600



FORM PTO-1419

FOURTH SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENTATTY. DOCKET NO.
0942.4290005APPLICATION NO.
09/606,314FIRST NAMED INVENTOR
Fike *et al.*FILING DATE
June 29, 2000ART UNIT
1654

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP4	WO 84/04107	10/25/1984	WIPO			Yes No

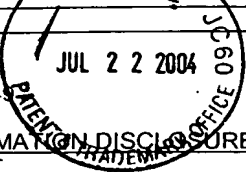
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS	<u>13</u>	Unverified English Translation of Office Action mailed on April 27, 2004, in Japanese Patent Application No. 10-535951
	AT	<u>13</u>	Sigma-Aldrich, "Biochemicalien Organische Verbindungen en Diagnostica" Sigma-Chemie Catalogue, Zwijndrecht, NL, pp. 1553,1634 (1996)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

Page 2 of 2							
FORM PTO-1443 FOURTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT	<div style="text-align: center;">  </div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">ATTY. DOCKET NO. 0942.4290005</td> <td style="width: 50%;">APPLICATION NO. 09/606,314</td> </tr> <tr> <td colspan="2">FIRST NAMED INVENTOR Fike et al.</td> </tr> <tr> <td>FILING DATE June 29, 2000</td> <td>ART UNIT 1654</td> </tr> </table>	ATTY. DOCKET NO. 0942.4290005	APPLICATION NO. 09/606,314	FIRST NAMED INVENTOR Fike et al.		FILING DATE June 29, 2000	ART UNIT 1654
ATTY. DOCKET NO. 0942.4290005	APPLICATION NO. 09/606,314						
FIRST NAMED INVENTOR Fike et al.							
FILING DATE June 29, 2000	ART UNIT 1654						

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL5	WO 95/13865	05/26/1995	WIPO			Yes No
	AM5	JP59-501933	11/22/1984	Japan			Yes X No
	AN5	JP60-248172	12/07/1985	Japan			Yes X No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR		
	AS		
	AT		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



Robert Greene Sterne
Edward J. Kessler
Jorge A. Goldstein
David K.S. Cormwell
Robert W. Esmond
Tracy-Gene G. Durkin
Michele A. Cimbala
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
Steven R. Ludwig
John M. Covert
Linda E. Alcorn
Robert C. Millonig
Lawrence B. Bugalsky
Donald J. Featherstone
Michael V. Messinger

Judith U. Kim
Timothy J. Shea, Jr.
Patrick E. Garrett
Jeffrey T. Helvey
Heidi L. Kraus
Albert L. Ferro*
Donald R. Banowitz
Peter A. Jackman
Teresa U. Medler
Jeffrey S. Weaver
Kendrick P. Patterson
Vincent L. Capuano
Eldora Ellison Floyd
Thomas C. Fiala
Brian J. Del Buono
Virgil Lee Beaston
Theodore A. Wood
Elizabeth J. Haanes

Joseph S. Ostroff
Frank R. Cottingham
Christine M. Lhuillier
Rae Lynn Prengaman
George S. Bardmesser
Daniel A. Klein*
Jason D. Eisenberg
Michael D. Specht
Andrea J. Kamagie
Tracy L. Muller*
LuAnne M. DeSantis
Ann E. Summerfield
Tiera S. Coston
Aric W. Ledford*
Helene C. Carlson
Timothy A. Doyle*
Jessica L. Parezo
Gaby L. Longworth*

Lori A. Gordon*
Nicole D. Dretar*
Ted J. Ebersole
Jyoti C. Iyer*
Laura A. Vogel

Registered Patent Agents*
Karen R. Markowicz
Nancy J. Leith
Matthew J. Dowd
Aaron L. Schwartz
Katrina Yujian Pei Quach
Bryan L. Skelton
Robert A. Schwartzman
Teresa A. Colella
Jeffrey S. Lundgren
Victoria S. Rutherford
Michelle K. Holoubek

Robert H. DeSelms
Simon J. Elliott
Julie A. Heider
Mita Mukherjee
Scott M. Woodhouse
Michael G. Penn
Christopher J. Walsh

Of Counsel
Kenneth C. Bass III
Evan R. Smith
Marvin C. Guthrie

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July 22, 2004

WRITER'S DIRECT NUMBER:
(202) 772-8615
INTERNET ADDRESS:
FRANKC@SKGF.COM

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1654

Re: U.S. Utility Patent Application
Application No. 09/606,314; Filed: June 29, 2000
For: **Dry Powder Cells and Cell Culture Reagents and Methods of
Production Thereof**
Inventors: FIKE *et al.*
Our Ref: 0942.4290005/RWE/FRC

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fourth Supplemental Information Disclosure Statement;
2. Listing of the cited documents on Form PTO-1449 (2 sheets);
3. A copy of each of the six (6) cited documents on Form PTO-1449; and
4. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents

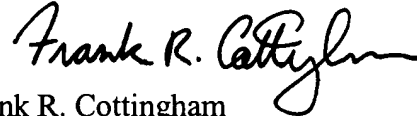
July 22, 2004

Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Frank R. Cottingham
Attorney for Applicants
Registration No. 50,437

FRC/pcd
Encls.

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